

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GUSRAE KAPLAN NUSBAUM PLLC, et al.,

Plaintiffs,

-against-

APPLIED ENERGETICS, INC., et al.,

Defendants.

USDC SDNY
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DATE FILED: 11/19/19

19cv06200 (DF)

ORDER

DEBRA FREEMAN, United States Magistrate Judge:

This case having been referred to this Court for all purposes on consent of the parties, pursuant to 28 U.S.C. § 636(c); and the Court having held an initial pretrial conference on November 13, 2019, with counsel for all parties; and, prior to the conference, Defendants having filed motions to dismiss the Complaint, with certain of the Defendants having argued, *inter alia*, that the Complaint should be dismissed against them for lack of personal jurisdiction; and the Court having determined, at the conference, that the jurisdictional issue should be considered before the Court considers other potentially dispositive issues and before the parties engage in full discovery regarding the parties' claims and defenses; it is hereby ORDERED, as stated at the conference, as follows:

1. The motions to dismiss filed by defendants Applied Energetics, Inc., Gregory Quarles, Bradford Adamczyk, Jonathan Barcklow, John Schultz, Dan Baer, Enterprise Counsel Group, and Ben Pugh (Dkts. 80, 87) are denied without prejudice, except to the extent the motions are based on a claimed lack of personal jurisdiction. Plaintiffs shall file a consolidated opposition to those motions (with regard to the personal jurisdiction arguments only) no later than December 13, 2019. If Plaintiffs contend that jurisdictional discovery is necessary, then

they should explain this, as well as the scope of discovery sought, in their opposition.

Defendants shall file their replies, if any, no later than January 10, 2020.

2. The motion to dismiss filed by defendants Masur Griffiths + LLP and Mary O'Hara (Dkt. 84) is denied without prejudice, and the time for these defendants to answer the Complaint is extended *sine die*, pending further Order of the Court.

Dated: New York, New York
November 19, 2019

SO ORDERED



DEBRA FREEMAN
United States Magistrate Judge

Copies to:

Counsel of Record (via ECF)